

Civil Enforcement Case Report

Civil Enforcement Case

Basic Information

Case Number: 05-2014-7256
Case Name: Bayer Crop Science (Muskegon) CAFO
Case Category: Administrative - Formal
Case Status (as of 01/21/2015): Closed
Case Lead: EPA
Court Docket Number: CAA-05-2014-0018
DOJ Docket Number: --

Relief Sought: Penalty
Enforcement Outcome: Final Order With Penalty
Headquarters Division: --
Branch: --
Result of Voluntary Disclosure? No
Multi-media Case? --
Enforcement Type: CAA 113D1 Action For Penalty
Violations: Risk Management Plan - CAA

Penalties – Case Level

Total Federal Penalty Assessed or Agreed To: \$23,296
Total State/Local Penalty Assessed: \$0
Total SEP Cost: \$63,630
Total Compliance Action Cost: \$0
Total Cost Recovery: \$0

Case Summary

This enforcement action was filed in response to violations to CAA 112(r)(7) which were discovered during a Risk Management Plan (RMP) compliance inspection conducted on 3/16/2010. Violations include: a.) documentation deficiencies; b.) employee training practices; c.) failure to review and update off-site consequence analysis every five years; d.) failure to maintain records related to worse case and alternative release scenarios; e.) failure to certify the accuracy and currency of operating procedures; f.) failure to perform inspections and testing of pressure relief valves; g.) failure to review and update the facility's Risk Management Plan within five years of its most recent update and h.) failure to submit corrected emergency contact information within thirty days of a change.

Laws and Sections

Law	Sections	Programs
CAA	112[R] [7]	Prevention of Accidental Release/Risk Management Plans (RMPs)

Citations

Title	Part	Section
No data records returned		

Facilities

FRS Number	Facility Name	Address	City Name	State	Zip	SIC Codes	NAIC Codes
110000494171	BAYER CROP SCIENCE	1740 WHITEHALL RD	MUSKEGON	MI	49445	2870 2879	325320

Defendants

Defendants and Settlements	In Complaint	In Settlement
Bayer Crop Science (Muskegon, MI)	Y	Y

Related Case Documents

Document	Facility Name	Publish Date	EPA Program
No data records returned			

Case Milestones

Event	Actual Date
Complaint Filed/Proposed Order	04/08/2014
Final Order Issued	04/08/2014
Enforcement Action Data Entered	04/22/2014
Compliance Achieved	07/29/2014
Pipeline Closed	01/21/2015
Enforcement Action Closed	01/21/2015

Pollutants

Pollutant Name	Chemical Abstract Number
Ammonia	7664417

Related Activities

Description	Actual Date
Case File	--

Final Order 1

Final Order Type: Administrative Penalty Order With or Without Injunctive Relief

Final Order Name: Bayer Crop Science (Muskegon) CAFO

Linked Facilities (FRS ID): 110000494171

Final Order Lodged Date: --

Final Order Entered Date: 04/08/2014

Enforcement Action Closed Date: 01/21/2015

Actual Termination Date: --

Penalties/SEPs/Cost Recovery Amounts

Federal Penalty Assessed or Agreed To: \$23,296

State/Local Penalty Assessed: --

SEP Value: \$63,630

Compliance Action Cost: \$0

Federal Cost Recovery Awarded: \$0

Complying Actions

Complying Action ID	Category	Description
3400012804	Prevention of Future Releases	Risk Management Plan Implemented

Supplemental Environmental Projects

SEP ID	Category	SEP Value	Description
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SEP ID	Category	SEP Value	Description
3400002781	Emergency Planning and Preparedness	\$63,630	Within 30 days of the filing of this CAFO, Respondent must purchase the following for delivery within 90 days to the Muskegon Township Fire Department: a Dual Foam trailer, 530 gallons of Class B AR-AFF Foam, 660 gallons of training Foam as well as nozzles, adaptors and hoses. This equipment will give the Muskegon Township Fire Dept. the ability to suppress alcohol-resistant chemical fires. Conclusion: Bayer completed the SEP and spent \$66,489.00 on it. Bayer provided a SEP completion report dated July 29, 2014.

Pollutant Reductions

Resulting From	Pollutant	Annual Amount	Units	Media Affected
CA ID 3400012804	Ammonia	151,000	lbs	Air